



ACUPUNCTURE BOARD
1424 Howe Avenue, Suite 37, Sacramento, CA 95825-3223
Telephone: (800) 952-5210 (916) 263-2680 / CNET: (8) 435-2680 / FAX: (916) 263-2654
CA Relay Service TT/TDD (800) 735-2929 / DCA TDD (916) 322-1700
www.acupuncture.ca.gov



(Approved November 28, 2001)

ACUPUNCTURE BOARD MEETING MINUTES

May 21 – 22, 2001

Park Plaza Hotel

1177 Airport Boulevard

Burlingame, Ca. 94010

Full Board Meeting May 21, 2001

MEMBERS PRESENT

Shari Asplund, Chair
Howard Moffet, Vice Chair, L.Ac.
Pei Li Zhong-Fong, L.Ac.
Gary Klapman, M.D., L.Ac.
Justin Tin

STAFF PRESENT

Marilyn Nielsen, Executive Officer
Don Chang, Legal Counsel
Janelle Wedge, Administrative Coordinator
Kerry Hartsough, Enforcement Coordinator
Nancy Molinar, Education Coordinator
Christie Dohring, Examination Coordinator
Robin Saenz, Education Technician
Helen Gathercole, Administrative Technician

MEMBERS ABSENT

Michael Eng

GUEST LIST ON FILE

1. Call to Order and Establishment of a Quorum

Chair Shari Asplund called the Acupuncture Board meeting to order at approximately 9:15 a.m. Roll was taken and a quorum established.

2. Chair's Report

Ms. Asplund reviewed the assignments for the Executive, Education, Enforcement, and Examination Committees.

3. Executive Officer's Report

Ms. Nielsen reported the Accreditation Commission for Acupuncture and Oriental Medicine (ACAOM) has sent a letter to the Board members and encouraged the members to complete ACAOM's on-line survey. The Board members had concerns regarding the lack of space for detailed answers.

4. Administrative Business –(Discussion/Action)

a. Approval of January 30, 2001 Meeting Minutes

Mr. Moffet suggested replacing the *i* in the word complimentary with an *e*, indicating the meaning of the word if using an *i* refers to something that is free.

**HOWARD MOFFET MOVED AND SHARI ASPLUND
SECONDED THE MOTION TO APPROVE THE
JANUARY 30, 2001 MEETING MINUTES AS AMENDED
AYES: 5
NOES: 0
ABSENT: 1
MOTION PASSED**

b. Approval of February 27, 2001 Meeting Minutes

Mr. Moffet indicated the public comment made by John Kolenda came after the motion and should be moved in the minutes.

**HOWARD MOFFET MOVED AND SHARI ASPLUND
SECONDED THE MOTION TO APPROVE THE
FEBRUARY 27, 2001 MEETING MINUTES AS AMENDED
AYES: 5
NOES: 0
ABSENT: 1
MOTION PASSED**

c. Approval of March 26, 2001 Meeting Minutes

Ms. Zhong-Fong requested the comparison research information she provided be included in the minutes.

**HOWARD MOFFET MOVED AND SHARI ASPLUND
SECONDED THE MOTION TO APPROVE THE
MARCH 26, 2001 MEETING MINUTES AS AMENDED
AYES: 5
NOES: 0
ABSENT: 1
MOTION PASSED**

d. Development of the Consumer Brochure

Ms. Nielsen reported that she and Janelle Wedge met with representatives of the Department of Consumer Affairs, Communication and Education Division (CED). CED representatives consisted of two graphic designers and the project manager. The brochure language and content has been reviewed and approved by DCA legal division and CED, but awaits DCA Executive Office approval. The design team will notify the Board when the draft is ready, but due to the CED's involvement in the Department's Annual Report they do not have an estimated date of completion at this time.

e. 2001 Sunset Review

Ms. Nielsen reviewed the information needed by the Joint Legislative Sunset Review Committee (JLSRC), indicating the first part of the report will provide brief Board history, an overview of the Board's current regulatory program, and program statistical information for the past four years. The second part of the report reflects the Board's response to individual issues and recommendations raised by the JLSRC during the prior review of the Board. In addition the Board is conducting a consumer satisfaction survey regarding the handling of complaints. The draft report will be brought back to the Board at the August meeting for the members review, amendments and approval.

f. Budget Report

Ms. Nielsen reviewed the Board's current and projected expenditures and Analysis of Fund Condition Report. In answer to a question of what the C&P line item referred to, Ms. Nielsen explained the cost included various expenditures for contracts. In conclusion, the budget report reflects a good recovery program, revenue, and a surplus which will be rolled back into reserves.

5. Enforcement Business

a. Enforcement Case Report

Ms. Hartsough updated the Board on open probation cases, cases pending at Division of Investigation, formal accusations and decisions made by the Board. Ms. Asplund had concerns regarding unprofessional conduct. Ms. Hartsough referred to unprofessional conduct as all violations and complaints ranging from advertising to public health and safety issues. Mr. Eng was concerned about the Board's jurisdiction outside of an acupuncturists' scope of practice.

b. Federation of Acupuncture & Oriental Medicine Regulatory Agencies (FAOMRA)

Ms. Nielsen attended the May 2001 FAOMRA meeting held in Florida. Twenty-three people representing fourteen member states (agencies) attended the meetings. Ms. Nielsen encouraged the members to visit the website www.faomra.org for further information and indicated the next meeting will be November 7-8, 2001 in San Francisco. Ms. Nielsen was again elected as a Director for the year June 2001 to June 2002.

Recessed at 9:50 a.m. - to hold the Education Committee Meeting

Reconvene a Full Board at 11:00 a.m.

6. Administrative Hearings

**Administrative Law Judge Catherine Frink, Presiding
Mara Faust, Deputy Attorney General**

- a.** Approval Status of Kernel University, Owners, David & Deborah Lee
- b.** Petition for Penalty Relief/Candidate License Denial, Petitioner, Svetlana Kosich-Enko

Member, Michael Eng joined the board meeting at approximately 2:10 p.m.

- 7.** **CLOSED SESSION:** Pursuant Government Code Section 11126(c) (3), to discuss/take action on disciplinary action.

g. Energy Conservation - Governor's and DCA's Policies

Mr. Eng suggested a letter be drafted to schools and licensees to encourage them to adopt policies to engage in energy conservation. Mr. Eng indicated he would draft the letter to schools. In response, because of the public media coverage from the Capital, the webpage has provided the most productive means to get this message out. In addition, an energy conservation notice is included in any mailing from the Board office.

Public Comment Period

No public comment.

8. The Acupuncture Board meeting adjourned at approximately 4:15 p.m.

**Education Committee Meeting
May 21, 2001 - 9:50 a.m.**

MEMBERS PRESENT

Howard Moffet, Chair, L.Ac.
Pei Li Zhong-Fong, Vice Chair, L.Ac.
Shari Asplund
Gary Klapman, M.D., L.Ac.

STAFF PRESENT

Marilyn Nielsen, Executive Officer
Don Chang, Legal Counsel
Janelle Wedge, Administrative Coordinator
Kerry Hartsough, Enforcement Coordinator
Nancy Molinar, Education Coordinator
Christie Dohring, Examination Coordinator
Robin Saenz, Education Technician
Helen Gathercole, Administrative Technician

MEMBERS ABSENT

None

GUEST LIST ON FILE**Call to Order and Establishment of a Quorum**

- a. Chair Howard Moffet called the Education Committee Meeting to order at approximately 9:50 a.m. Roll was taken and a quorum established.
- b. **Scoping Session, General Discussion, Establishing committee Goals and Timelines.**
Mr. Moffet indicated he is in support of the ACAOM school accreditation process and that he would like staff to make a recommendation on the school approval process. The Board's School Site Visit Manual will be distributed to the members for their review. In addition Mr. Moffet distributed the Accreditation Commission for Acupuncture & Oriental Medicine's (ACAOM), accreditation handbook to the members. An invitation will be sent to the Bureau for Private Postsecondary & Vocational Education (BPPVE) and ACAOM to attend the next Board meeting to make a presentation and discuss their school approval process with the members. Mr. Moffet would also like to invite representatives from Board approved schools to comment and express their opinion about the school approval process and the impact and costs to the schools. Ms. Zhong-Fong indicated she felt all board members should perform at least one to two site visits to understand the process and get to know the schools.

Recessed at 11:00 a.m. - to return to the Full Board meeting to hold the Administrative Hearings Scheduled for 11:00 a.m.

Reconvened as the Education Committee Meeting at approximately 4:15 p.m.

c. Public Comment Period

Penelope Ward from ACAOM stated a school written up in the Los Angeles Times was issuing honorary doctorate degrees. Ms. Nielsen informed Ms. Ward the school does not have BPPVE approval to do so and the Board is aware of this issue, the out-of-state school and BPPVE's legal counsel has sent a cease and desist letter.

- d. **The Education Committee meeting adjourned at approximately 4:30 p.m.**

Enforcement Committee Meeting
May 21,2001 - 4:30 p.m.
MEMBERS PRESENT

Michael Eng, Chair
 Shari Asplund, Vice Chair
 Justin Tin
 Gary Klapman, M.D., L.Ac.

STAFF PRESENT

Marilyn Nielsen, Executive Officer
 Don Chang, Legal Counsel
 Janelle Wedge, Administrative Coordinator
 Kerry Hartsough, Enforcement Coordinator
 Nancy Molinar, Education Coordinator
 Christie Dohring, Examination Coordinator
 Robin Saenz, Education Technician
 Helen Gathercole, Administrative Technician

MEMBERS ABSENT

NONE

GUEST LIST ON FILE**a. Call to Order and Establishment of a Quorum**

Chair Michael Eng called the Enforcement Committee Meeting to order at approximately 4:30 p.m. Roll was taken and a quorum established.

b. Scoping Session, General discussion, Establishing Committee Goals And Timelines

Mr. Eng reported massage parlor activities have caused problems for enforcement. Mr. Eng suggests working with the legal staff as a priority to increase requirements for acupuncturist when employing masseuses. Additional regulations are needed for disciplinary action addressing violations within the scope of practice, such as amending regulations to protect the patient while the licensee is under suspension, ordering acupuncturists to provide alternative treatment for patients, provide accessibility to medical records, and/or know where to reach the acupuncturist for consultation. Dr. Klapman had concerns regarding massage parlor cases, public awareness in relation to the education and understanding of acupuncture. Ms. Nielsen reported that a press release warning the public about this issue is pending DCA legal and executive approval.

c. Public Comment Period

Ron Sokolsky of South Baylo University, indicated currently there are no standards for lancing, needle pricking and blood letting, and would encourage the Board to expand the regulations and guidelines for public safety.

d. The Enforcement Committee meeting adjourned at approximately 5:00 p.m.

11.

**Examination Committee Meeting
May 21, 2001 - 5:00 p.m.**

MEMBERS PRESENT

Pei Li Zhong-Fong, Chair, L.Ac.
Justin Tin, Vice Chair
Howard Moffet, L.Ac.
Michael Eng

STAFF PRESENT

Marilyn Nielsen, Executive Officer
Don Chang, Legal Counsel
Janelle Wedge, Administrative Coordinator
Kerry Hartsough, Enforcement Coordinator
Nancy Molinar, Education Coordinator
Christie Dohring, Examination Coordinator
Robin Saenz, Education Technician
Helen Gathercole, Administrative Technician

MEMBERS ABSENT

NONE

GUEST LIST ON FILE

a. Call to Order and Establishment of a Quorum

Chair Zhong-Fong called the Examination Committee Meeting to order at approximately 5:00 p.m. Roll was taken and a quorum established.

b. Scoping Session, General Discussion, Establishing Committee Goals and Timelines.

Ms. Zhong-Fong had concerns that the occupational analysis has not been performed since 1996 and the Boards acceptance of Dr. Hertz's recommendation of reducing the number of questions on the exam from 250 questions to 200 questions. She felt that 175 scorable questions seemed inappropriate when compared to other professional examinations, such as Chiropractic and the Medical Board. Dr. Hertz reiterated that 125 questions is a sufficient number of items for a valid and reliable test and it is his understanding the exam is to sample the knowledge and that the statistical analysis provides a standard on which the examination is based. Not all knowledge required to be an acupuncturist will be determined by the occupational analysis. Mr. Moffet questioned the analysis determination and strives to incorporate competency in the exam. Dr. Klapman had concerns, regarding the added hours to the curriculum, the growth of Acupuncture, and the analysis process.

c. Public Comment Period

Benjamin Dierauf from CSOMA had concerns about the reduction of questions on the examination and assessing the competency of the examinee.

d. The Examination Committee Meeting adjourned at approximately at 5:30 p.m.

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(Approved November 28, 2001)

**ACUPUNCTURE BOARD
MEETING MINUTES**

May 21 – 22, 2001
Park Plaza Hotel
1177 Airport Boulevard
Burlingame, Ca. 94010

**Full Board Meeting
May 22, 2001****MEMBERS PRESENT**

Shari Asplund, Chair
Howard Moffet, Vice Chair, L.Ac.
Michael Eng
Pei Li Zhong-Fong, L.Ac.
Gary Klapman, M.D., L.Ac.
Justin Tin

STAFF PRESENT

Marilyn Nielsen, Executive Officer
Don Chang, Legal Counsel
Janelle Wedge, Administrative Coordinator
Kerry Hartsough, Enforcement Coordinator
Nancy Molinar, Education Coordinator
Christie Dohring, Examination Coordinator
Robin Saenz, Education Technician
Helen Gathercole, Administrative Technician

MEMBERS ABSENT

NONE

GUEST LIST ON FILE**1. Call to Order and Establishment of a Quorum**

Chair Shari Asplund called the Acupuncture Board meeting to order at approximately 9:00 a.m. Roll was taken and a quorum established.

2. *CLOSED SESSION: Pursuant Government Code Section 11126 (c) and (c)(3), to discuss/take action on examination administration and disciplinary actions.***3. Examination Business****a. June 20, 2001 Written Licensing Examination**

Ms. Nielsen reported the exam will be held on Wednesday, June 20, 2001 at the Sacramento Convention Center, with 605 candidates approved and scheduled to take the examination. The breakdown for languages is 299 English, 158 Mandarin, and 148 Korean.

b. Number of Questions in Acupuncture Examination

**PEI LI ZHONG-FONG MOVED AND MICHAEL ENG
SECONDED THE MOTION TO RECONSIDER THE MOTION
MADE AT THE FEBRUARY BOARD MEETING AND TO
INCREASE THE NUMBER OF EXAMINATION
QUESTIONS BACK TO 250 FOR FUTURE EXAMS.**

**FRIENDLY AMENDMENT: JUSTIN TIN WOULD LIKE TO
EVALUATE THE RESULTS FROM THIS FIRST EXAM WITH
THE REDUCED NUMBER OF QUESTIONS BEFORE MAKING
A DECISION TO INCREASE THE NUMBER OF QUESTIONS
ON THE EXAM AGAIN**

AYES: 2 (FONG, TIN)

**NOES: 4 (ENG, KLAPMAN, ASPLUND, MOFFET)
MOTION FAILED**

Mr. Moffet requested legal counsel to explain the, "rules of a motion", and questioned, if a member voted to oppose this action at the February 2001 meeting can they now make a motion to reconsider? Mr. Chang indicated the point of order would be, if the original motion was opposed then you can't make a motion to reconsider, but considering new information was presented, Ms. Zhong-Fong's motion is appropriate.

**HOWARD MOFFET MOVED TO TABLE MS. ZHONG-FONG'S
MOTION TO RECONSIDER
NO SECOND
MOTION FAILED**

Ms. Zhong-Fong questioned the Office of Examination Resources (OER) on the amount of time it takes to change the number of questions and if there would be enough time to increase the questions for the January 2002 exam after the June 2001 exam. Dr. Hertz indicated there would not be enough time to increase the number of questions for the January 2002 exam. Ms. Asplund was concerned about the Occupational Analysis and if the results would be completed and ready to implement for the January 2002 exam. Dr. Hertz indicated that due to the development process of the exam, which starts 6-8 months in advance of our exam, there would not be enough time. Dr. Klapman indicated he was comfortable with the presentation by OER and the reduction of the questions.

PUBLIC COMMENT: Ron Sokolsky, South Baylo University, indicated the schools need ample time to modify their educational curriculum to accommodate the exam and should be notified when changes are made to the California Acupuncture Licensing Examination. John Kolenda, Exam Liaison, was concerned whether the exam was covering the proper issues such as competency and safety and the ability to change an exam in just one year when it usually takes 2-3 years. Brian Fennen was concerned why other professions have such a higher number of questions on their exams and would like the issue to be reviewed.

c. Language of Acupuncture Examination

No new discussion occurred and the decision from the March 2001 meeting remains.

d. 2001 Occupational Analysis

Ms. Nielsen thanked the schools that hosted the Occupational Analysis workshops. Survey results will be assessed to determine if additional workshops are needed. Karen Okicich, OER Project Manager, explained the process to draft and distribute the survey, which was sent to practitioners licensed 20 years or less. The content consisted of four sections: the first being overall content such as patient assessment, diagnoses, actual acupuncture treatment, prescribing herbs, regulations for health and safety. The second being specific tasks to perform in these areas. The third being specific knowledge, and the fourth being demographics.

PUBLIC COMMENT:

Brian Fennen had concerns about the survey not covering adequate areas, the process used to develop the questions, in addition to questions unrelated to acupuncture. Dr. Hertz felt criticism of the analysis at this time was inappropriate until the survey data is complete and the draft survey is presented to the board.

4. Administrative Business

**a. 2002 Legislative Proposals: Amending/Adding Business and Professions Code Sections
Add Section 4935 -(Misdemeanor)**

It is a misdemeanor, punishable by a fine of not less than one hundred dollars (\$100) and not more than twenty five hundred dollars (\$2,500), or imprisonment in county jail not exceeding one year, or by both that fine and imprisonment for ~~any~~ person who does not hold a current and valid license to practice acupuncture, under this chapter ~~to practice acupuncture,~~ or holds ~~to hold~~ himself or herself out as practicing or engaging in the practice of acupuncture, or to fraudulently buy, sell or obtain a license to practice acupuncture, or to violate the provisions of this chapter.

The Board has illustrated changes to the original text in the following manner: legislative language originally proposed is italicized and/or underlined; and deletions from the language originally proposed are shown in strikeout using "-".

PUBLIC COMMENT: No public comment.

**HOWARD MOFFET MOVED AND GARY KLAPMAN
SECONDED THE MOTION TO ADOPT SECTION 4935
AS AMENDED.
MOTION PASSED UNANIMOUSLY**

Amended Section 4955. (Unprofessional Conduct)

The board may deny, suspend, or revoke, or impose probationary conditions upon, the license of any acupuncturist if he or she is guilty of unprofessional conduct. ~~which has endangered or is likely to endanger the health, safety, or welfare of the public.~~

Unprofessional conduct shall include, but not be limited to any one of the following:

~~(a) Securing a license by fraud or deceit.~~

~~(b) Committing a fraudulent or dishonest act as an acupuncturist resulting in substantial injury to another.~~

~~(c)~~ **(a)** Using or possession of any controlled substance as defined in Division 10 (commencing with Section 11000 of the Health and Safety Code, or dangerous drug, or alcoholic beverage to an extent or in a manner dangerous to himself or herself, or to any other person or to the public, *and* to an extent that such use impairs his or her ability to engage in the practice of acupuncture with safety to the public.

~~(d)~~ **(b)** Conviction of a crime substantially related to the qualifications, functions, or duties of an acupuncturist, the record of conviction being conclusive evidence thereof.

~~(e) (c) Improper~~ False or misleading advertising.

~~(f) (d) Aiding or abetting,~~ ~~v~~ Violating or conspiring to violate, directly or indirectly, the terms of this chapter or any regulations adopted by the board pursuant to this chapter.

~~(g) Gross negligence.~~

~~(h) Repeated negligent acts.~~

~~(i) Incompetence.~~

~~(j) (e)~~ Except for good cause,.....disease.

~~(f) The use of threats or harassment against any patient or licensee for providing evidence in any possible or actual disciplinary action, or other legal action; or the discharge of an employee primarily based on the employee's attempt to comply with the terms of this chapter.~~

~~(k) The revocation, suspension, or other discipline, restriction or limitation imposed by another, upon a license or certificate to practice acupuncture issued by the state, or the revocation, suspension, or restriction of the authority to practice acupuncture by an agency of the federal government, on grounds that would have been grounds for disciplinary action in California of licensee under this chapter.~~

~~(g) Disciplinary action taken by any public agency for any act substantially related to the qualifications, functions, or duties of an acupuncturist or any professional health care license.~~

~~(h) Any action or conduct which would have warranted to the denial of the acupuncture license.~~

~~(i) The violation of any law, or local ordinance, on an acupuncturist's business premises by an acupuncturist's employee or a person who is working under the acupuncturist's professional license and/or business permit, that is substantially related to the qualifications, functions or duties of an acupuncturist. Such violation(s) shall subject the acupuncturist who employed the individual(s), or under whose acupuncturist license the employee is working, to disciplinary action.~~

~~(j) The abandonment of a patient by the licensee, without written notice to the patient that treatment is to be discontinued and before the patient has had a reasonable opportunity to secure the services of another acupuncturist. Provided the health of the patient is not jeopardized.~~

~~(k) The failure to notify the Board of the use of any false, assumed, or fictitious name other than the name under which he or she is licensed as an individual to practice acupuncture.~~

PUBLIC COMMENT: No public comment.

**HOWARD MOFFET MOVED AND MICHAEL ENG
SECONDED THE MOTION TO ADOPT SECTION 4955
AS AMENDED.
MOTION PASSED UNANIMOUSLY**

Add Section 4955. (Fraud)

The Board may deny, suspend, or revoke, or impose probationary conditions upon the license of any acupuncturist if he or she is guilty of committing a fraudulent act which shall include, but not be limited to, any of the following:

(a) Securing a license by fraud or deceit.

(b) Committing a fraudulent or dishonest act as an acupuncturist.

(c) The commission of any act involving dishonesty or corruption which is related to the qualifications, functions, or duties of an acupuncturist

(d) Altering or modifying the medical record of any person, with fraudulent intent, or creating any false medical record.

(e) The failure of an acupuncturist to maintain adequate and accurate records relating to the provision of services to their patients.

PUBLIC COMMENT: No public comment.

**HOWARD MOFFET MOVED AND MICHAEL ENG
SECONDED THE MOTION TO ADOPT THE ADDED
SECTION 4955.1.
MOTION PASSED UNANIMOUSLY**

Add Section 4955.2 (Negligence or Incompetence)

The board may deny, suspend, or revoke, or impose probationary conditions up the license of any acupuncturist if he or she is guilty of committing any one of the following:

- (a) Gross negligence*
- (b) Repeated negligent acts*
- (c) Incompetence*

PUBLIC COMMENT: No public comment.

**HOWARD MOFFET MOVED AND MICHAEL ENG
SECONDED THE MOTION TO ADOPT THE ADDED
SECTION 4955.2.
MOTION PASSED UNANIMOUSLY**

Added Section 4960.2 (Petition for Penalty Relief/Reinstatement)

The board in all cases of revocation shall certify the fact of such revocation, under the seal of the board, to the business licensing entity of the cities or counties in which the license of the acupuncturist has been revoked. ~~The record of such revocation so made by the county of city clerk shall be prima facie evidence of the fact thereof, and of the regularity of all proceedings of said board in the matter of said revocation.~~

The Board reviewed, and directed the EO to amend the language strikeout into more simple and understandable language prior to the legislative proposals being processed.

PUBLIC COMMENT: No public comment.

**MICHAEL ENG MOVED AND JUSTIN TIN
SECONDED THE MOTION TO ADOPT THE ADDED
SECTION 4960.2 AS AMENDED.
MOTION PASSED UNANIMOUSLY**

b. Regulatory Proposal

Sections 1399.436 and 1399.415 - Educational Admission and Curriculum Standards

Ms. Asplund and Dr. Klapman reported they met to discuss the curriculum standards and the proposal to increase the numbers of required hours. Dr. Klapman recommended the Board form a taskforce, consisting of representatives from the profession and the schools. He recommended the task force consist of 15 individuals from schools and practitioners, and the board members. The primary criteria are to create unification within the task force and be flexible, open hearted and to recognize and consider others views. In response, board members were in agreement, and recommended the participants be ready to work in this

environment. It was suggested to have the participants apply, rather than be selected and be specific about guidelines and timelines expected of the task force. Dr. Klapman suggested a list of professional and educational representatives selected as task force members. Qualifications were questioned and it was suggested that representatives of the Chinese associations also be represented. Meetings will be held in different parts of the state, which will allow students from the area to attend. Dr. Klapman agreed to expand the member list to include Chinese representatives on the task force.

PUBLIC COMMENT:

Brian Fennen asked to make a change in Dr. Klapman's current list and suggested sending the profession's most experienced representatives and the schools should send teachers experienced in curriculum development. Also, that the task force be clear on its goals as the outcome will be very useful in the regulatory process. Ted Priebe requested the task force also establish a definition of a primary health care professional. Tom Haines from Pacific College, requested the name of the task force be changed to Competency and Outcome Task Force. He suggested the educational representatives work with the professional representatives to develop knowledge, skills, and abilities. In addition he suggested student and consumer involvement and input into defining competencies. Ted Priebe spoke to the areas of deficiencies in diagnostic and training and recommended assessment be identified and separated. David Lee of Emperors College commends the intent of the Board. Chris Macey of University of East West Medicine recommended the task force members define a process that enforces and guarantees flexibility.

HOWARD MOFFET MOVED AND MICHAEL ENG SECONDED THE MOTION TO ESTABLISH THE EDUCATION COMPETENCIES AND OUTCOMES TASK FORCE, TO REVIEW THE COMPETENCIES NOW REQUIRED OF A PRACTITIONER.

**HOWARD MOFFET MOVED AND MICHAEL ENG SECONDED THE MOTION TO AMEND THE TASK FORCE NAME TO COMPETENCY AND OUTCOMES TASK FORCE WITH GARY KLAPMAN AS CHAIR.
MOTION PASSED UNANIMOUSLY**

Dr. Klapman recommended the task force meetings be held July 23, 2001 and August 13, 2001 in Southern California. Staff will send a letter to the schools inviting them to designate an individual to represent each institution on the task force. In addition, a formal request will be sent to the schools requesting copies of their existing competencies and outcomes

c. Legislation That May Impact the Board

SB 341- Amending Section 4937

Ms. Nielsen reported this bill was vetoed on August 7, 2000 and reintroduced with the elimination of low level laser stimulation. Mr. Moffet questioned if there were limitations on magnets. In response, there is no definition and no further mention on this issue, but there is further concern in regards to pharmacists and educational training in the use of magnets. As of now, stated by Brian Fennen, this issue is not in the scope of practice and would like a reasonable request to include this.

PUBLIC COMMENT: No public comment.

**HOWARD MOFFET MOVED AND SHARI ASPLUND
SECONDED THE MOTION TO TAKE A WATCH POSITION
AT THIS TIME.
MOTION PASSED UNANIMOUSLY**

SB 577- Adding Section 2053.5, Relation Non-Licensees Practitioners

Ms. Nielsen reported this bill is intended to facilitate access to certain complementary and alternative health care practitioners as long as they do not perform certain functions.

**HOWARD MOFFET MOVED AND MICHAEL ENG
SECONDED THE MOTION TO TAKE A WATCH POSITION.
MOTION PASSED UNANIMOUSLY**

SB 208 – Amending Section 6018.3, Revenue & Taxation Code

This Bill will provide a sales tax exemption for herbs sold by a licensed acupuncturist used or furnished in the performance of his or her professional services. Currently acupuncture practitioners are not exempt compared to other medical practitioners

**MICHAEL ENG MOVED AND HOWARD MOFFET SECONDED
THE MOTION TO TAKE A SUPPORT POSITION ON SB 208.
MOTION PASSED UNANIMOUSLY**

AB 269 – Amending B&P Section 107, establish Committee for the Hiring of an EO

This bill would create the Division of Enforcement Oversight within the Department which will monitor and evaluate the consumer complaint and discipline system of each board. AB 269 would also provide that the executive officer of each board within the department would be appointed by a three-member panel comprised of a representative of the board, the director, and the Governor's appointments secretary. AB 269 was rolled into a two-year bill, due to the problems associated with the bill. Staff will continue to observe its progression and keep the members advised.

PUBLIC COMMENT: Steve English commented that most boards oppose AB 269. Steve English and Brian Fennen reported on AB 1444, which addresses nutritional advice and defines the educational requirements to qualify someone to administer such advice. Ms. Nielsen responded, that she will obtain a copy of AB 1444 and bring it back at our August meeting.

Executive Officer Report

Marilyn Nielsen continued her Executive Officers report. She confirmed the remaining board meeting dates for 2001, which are August 20-21, October 22-23, and November 27-28. In addition, she requested Board directive as to this Board's policy on members attending a meeting they are invited to and in what capacity can they represent the Board. She explained that previously it was the policy of the Board that if a member received an invitation to contact the Board chair and EO for approval. Mr. Eng was also concerned about the content a member may be speaking about and felt clarification is needed regarding the scope and content. Also there is the issue of funding for events and reimbursements for incurred expenses if a member has not obtained prior approval. This item will be included on the August agenda to discuss further.

5. Education Business

a. School Site Re-Visit – University of East West Medicine, Sunnyvale, California

Ms. Nielsen reported a site re-visit was conducted at the University of East West Medicine (UEWM) in Sunnyvale, California, May 1, 2001. The site visit team consisted of Howard Moffet, L.Ac. Board Member, Marilyn Nielsen, Executive Officer and Nancy Molinar, Education Coordinator. Representatives of the University included. Mr. Ying Q. Wang, L.Ac., owner, member of the Board of Directors and President, Su F. Tong, Vice-President, Director of Finance and Operations and Administration, Christopher Macie and Jay Atkinson, members of the Board of Directors. In reviewing the School Site Re-Visit Report as provided in the Board packet, Ms. Nielsen indicated there are still issues and concerns to be addressed, such as the current administrative structure, the governance of the University, catalog revision, admissions requirements, transcripts, tracking system, CPR & TB testing and student health certification. Mr. Wang indicated he hired an attorney to rewrite the by-laws to properly reflect the organizational structure. The goal is to increase the library funds to include purchasing books on the California Acupuncture License Examination (CALE) reference list. Ms. Asplund recommended UEWM provide to the Board by August 1, 2001, a written report indicating the progress in addressing these areas of concerns.

b. School Approval & Site Visit Report – Southern California University of Oriental Medicine and Acupuncture, Los Angeles, California

Ms. Nielsen reported May 9-11, 2001, a site visit was conducted at the Southern California University School of Oriental Medicine and Acupuncture (SCU) in Los Angeles. The site team consisted of Pei Li Zhong-Fong, L.Ac., Board Member, Marilyn Nielsen, Executive Officer, Nancy Molinar, Education Coordinator and Marcia Trott, Postsecondary Education Specialist of the Bureau of Private Postsecondary and Vocational Education (BPPVE). Mary Lee, Esq. and Advisor; Young Hwan Cho, L.Ac., Owner, President, Chairman of the Advisory Board and Clinic Director; Hyun Sook Cho, L.Ac., Chief Academic Officer, and advisory Board Member; and Han G. Kim, L.Ac., Chief Administrative Officer and Advisory Board Member, represented the University at the meeting. In reviewing the School Site Visit Report as provided in the Board packet, Ms. Nielsen reported the site visit team reviewed the administrative staff and their responsibilities, the campus facilities, the admission and transfer policies and entrance requirements. Ms. Zhong-Fong conducted the clinical site visit and expressed concerns regarding inadequate space for privacy for men and women and for treatment. Patient's charts found indiscriminately placed about with possible confusion and indicated they needed to be written in English. The treatment authorization forms need to be specifically clarified. The site visit team recommends the Board grant a twelve-month conditional approval to Southern California University School of Oriental Medicine and Acupuncture (SCU), with the requirement of a re-visit within six to eight months, by the licensed member of the site visit team, to observe the students in the clinic. The Board can grant full approval if the findings of the clinic review and re-visit are adequate. The Board was concerned about the separation between the clinic and school and their means of financial support. Ms. Lee explained the school and clinic are all together, there is space set-aside for future clinical treatment and intern rooms. In regards to their finances, they are self-supporting, with no loans and there are available interested parties with support backing if difficulties arise with no obligation to repay, only as an interested party to support a quality school.

SHARI ASPLUND MOVED AND JUSTIN TIN SECONDED THE MOTION TO APPROVE A 12 MONTH CONDITIONAL APPROVAL FOR SCU, AND REQUIRE A 6 MONTH RE-VISIT OF THE CLINIC OPERATIONS.

c. Pending New School Applications and Site Visits

Ms. Nielsen requested assigning board members to participate in pending school site visits and establish dates to perform the visit.

d. May 2001 Accreditation Commission Meetings (ACAOM)

Ms. Nielsen reported she attended the Accreditation Commission for Acupuncture and Oriental Medicine (ACAOM) May 2001 public and executive session meeting. Two new members have been appointed to the Commission, they are Mary McCabe, a practitioner member, and Ms Chou, as an institutional member from Emperor's College of TCM. ACAOM currently has 43 accredited schools (38 schools and 5 branches) and 9 in Canada. Hearings were held on 11 accredited schools. ACAOM's November 2001 meeting will be held on November 10-13 in Hawaii.

PUBLIC COMMENT: Brian Fennen indicated his concerns in regards to the campaigns to get California to adopt National exams and the unnecessary comments made by the National Associations at public meetings where they criticize the California exam and they have been heard to say the California exam is just the luck of the draw. Mr. Fennen has suggested the board write a generic letter to all organizations defining the present conditions and the credibility of the exam. Ms. Nielsen indicated she has discussed this with the NCCAOM and ACAOM. Dr. Hertz and Ms. Nielsen are in the process of drafting a letter as a follow up in regards to Mr. Fennen's concerns. Mr. Fennen supported the Board's discussion to clarify and revise the language in the Scope Of Practice and the Acupuncture Licensure Act. John Melnychuk addressed SB577 and this additional freedom of choice the consumer would have.

ADJOURNMENT

The Acupuncture Board adjourned at approximately 6:00 p.m.